



**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

GRAYLING THOMAS,

Plaintiff,

v.

WARDEN ANTIONE CALDWELL, et al.,

Defendants.

CIVIL ACTION NO.: 6:18-cv-111

ORDER

Before the Court is Plaintiff's Motion to Compel Defendants to respond to Plaintiff's Open Records request. Docs. 22, 23. Georgia's Open Records Act, found at O.C.G.A. §§ 50-18-70 to 50-18-77, only provides for enforcement of its provisions through the superior courts of this state. O.C.G.A. § 50-18-73(a) ("The superior courts of this state shall have jurisdiction in law and in equity to entertain actions against persons or agencies having custody of records open to the public under this article to enforce compliance with the provisions of this article."). As a federal court, this Court does not have the authority to direct Defendants to comply with the provisions of Georgia's Open Records Act. Accordingly, the Court **DENIES** Plaintiff's Motion to Compel, docs. 22, 23.

Plaintiff is reminded that Title V of the Federal Rules of Civil Procedure, which includes Rules 26 through 37, governs the discovery process in this case. If Plaintiff engages in discovery pursuant to the Federal Rules of Civil Procedure, this Court would have authority to rule on any motions to compel filed by Plaintiff pursuant to Federal Rule of Civil Procedure 37.

Further, as explained to Plaintiff in the Court's November 25, 2019 Order and Report and Recommendation, doc. 7, if Plaintiff wishes to file a motion to compel, pursuant to Federal Rule of Civil Procedure 37, he must first contact the attorney for Defendants and try to work out the problem; if Plaintiff proceeds with the motion to compel, he must also file a statement certifying that he has contacted opposing counsel in a good faith effort to resolve any dispute about discovery. Fed. R. Civ. P. 26(c), 37(a)(2)(A); Local R. 26.7.

SO ORDERED, this 5th day of June, 2020.

A handwritten signature in blue ink, appearing to read 'B. Cheesbro', is written over a horizontal line.

BENJAMIN W. CHEESBRO
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA